

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA**

**WELLS FARGO BANK, N.A.,
AS TRUSTEE, FOR THE
BENEFIT OF THE HOLDERS
OF DEUTSCHE MORTGAGE
& ASSET RECEIVING
CORPORATION, COMM 2014-
CCRE19 MORTGAGE TRUST
COMMERCIAL MORTGAGE
PASS THROUGH
CERTIFICATES, ACTING BY
AND THROUGH MIDLAND
LOAN SERVICES, A PNC
REAL ESTATE BUSINESS,
SOLELY IN ITS CAPACITY
AS SPECIAL SERVICER,**

Plaintiff,

v.

**FREP III – ROZZELLE
CROSSING, LLC,**

Defendant.

Case No.: 3:19-cv-00549

ORDER CONFIRMING SALE OF REAL PROPERTY

THIS MATTER is before the Court on the Motion to Approve Sale of Real Property (Doc. No. 13). For the reasons below, it is GRANTED. All other pending motions shall be TERMINATED.

In accordance with the Motion to Approve Sale of Real Property free and clear of all liens pursuant to 28 U.S.C. § 2001(a) and in compliance with this Court's Order [ECF.# 9, pp. 12, 13 ¶

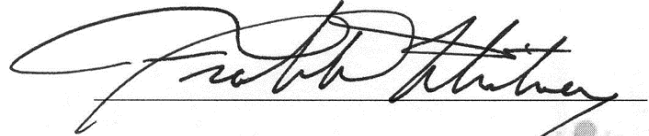
w] wherein the Receiver was empowered to market and sell the Collateral as a going concern, and upon evidence before the Court, the Court finds that the public sale of the Property and related sale and bidding procedures were conducted in accordance with its Order.

WHEREFORE, it is hereby ORDERED as follows:

1. The public sale of the Property is in all respects authorized and confirmed;
2. The Property is sold on an “as is, where is” basis and without representations or warranties of any kind, nature or description, except to the extent as may be expressly set forth in the Purchase Agreement, with the Defendant’s rights, title and interest in the Property sold free and clear of all Liens, to the purchaser agreed upon by Receiver and Noteholder, as reflected in the Purchase Agreement:
3. The sale of the Property shall be free and clear of all Liens, with the Liens in or on the Property will attach to the net sale proceeds with the same validity, priority, force and effect that such Liens had on the Property prior to the sale;
4. The Receiver shall distribute the net sales proceeds to Noteholder in satisfaction of its Deed of Trust and Lien on the Property, but if the Receiver is aware of any other Liens based on a title report for the Property, the Receiver will request from the Court authorization to distribute the net sales proceeds to the holders of Liens (including Noteholder) in their relative order of priority vis-à-vis all such Liens; and
5. For the avoidance of doubt, the sale of the Property authorized herein shall be of full force and effect, regardless of the Defendant’s lack of good standing in any jurisdiction in which such defendant is formed or authorized to transact business.

AND IT IS SO ORDERED.

Signed: December 21, 2021



Frank D. Whitney
United States District Judge



APPROVED FOR ENTRY BY:

/s/ R. Andrew Hutchinson

R. Andrew Hutchinson, NCSB No. 46764
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
602 Sevier St., Ste. 300
Johnson City, Tennessee 37604
(423) 928-0181
(423) 979-7652 (fax)
dhutchinson@bakerdonelson.com
Counsel for Noteholder